

GDOT/GHCA Workshop Managing Utilities on Construction

GDOT

State Utilities Office

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Managing Utilities On Construction

House Keeping Issues

- Break
- Sign In
- Safety
 - Brief on Building Layout, Emergency Exits, CPR, AED (Automated External Defibrillator)
- Informal Setting
- Silence Cell Phones – Please Take Calls Outside
- Handouts

Managing Utilities On Construction

Today's Topics

- The Law
- Bid Documents
- The Utility Work Plan
- NTP to Utilities
- Utility Conflicts Special Provision
- Worksite Utility Coordination Supervisor (WUCS) Special Provision

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More Topics

- Utility Coordination Meetings
- Escalation Process
- Mediation Process
- GDOT Chain of Command
- Resources

Managing Utilities! On Construction

Utilities!

Utilities!

Utilities!

Today's Objectives

- Inform GHCA Members:
 - Law and Corresponding Policies and Procedures
 - Available Tools, So...
- Contractors can better manage Utilities! on their Construction projects!

Utilities!

Utilities!

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The
Utility
Work
Plan

Utility Relocation
Plans

Utility Adjustment
Schedule

Permit

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The Law

SB 19

- Revised Code Sections 32-6-170 & 32-6-171

32-6-170

- Authority to GDOT to Participate in the \$ of Utility Relocation Work (on R/W or off R/W)

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32-6-171

- Each Utility: Required to submit UWP
Pursue work according to UWP
If not, 10 days from GDOT's final notice to begin work, or
- GDOT: Exercise rights - injunctive relief
- After Letting: Utility work is necessary, Utility = 30 calendar days to submit revised UWP

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32-6-171 (continued)

- Utility: No UWP or Work not in Accordance to UWP, Utility may be...
 - liable for delay costs incurred by Contractor
- Once Notified: Utility has 45 days from receipt: either pay the amount of delay costs or request mediation
- GDOT's accommodation procedures shall include:
 - Provisions: Establishment of mediation boards to hear and decide disputes between GDOT and Utility concerning a UWP, Revised UWP, a Contractor's Claim for delay costs or other damages, and any other matter related to relocation of utilities

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32-6-171 (continued)

- Mediation Board Details
- Mediation Board shall issue final decision
- Final Decisions are subject to judicial review
- GDOT shall promulgate reasonable regulations governing the mediation board
- From the Law, we have Board Rule 672-19
- From the Rule, we have Chapter 4 of the Utility Accommodation Policy and Standards Manual – Escalation Process

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Bid Documents (Avail on-line) – Contractor's Tools

- Notice to Contractors - see Handouts!
- Proposal (incl. Special Provisions)
- Plans (incl. Utility Plans)
- Utility Work Plan (Utility Adjustment Schedule)
- Standard and Supplemental Specifications
- Utility Accommodation Policy and Standards Manual (Chapter 4)
- Board Rule 672-19

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Including Utility Work as Contract Pay Items

- Water and Sewer
- Gas Facilities
- Power Distribution
- Telecommunications
- Cable Television

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NTP to Utilities

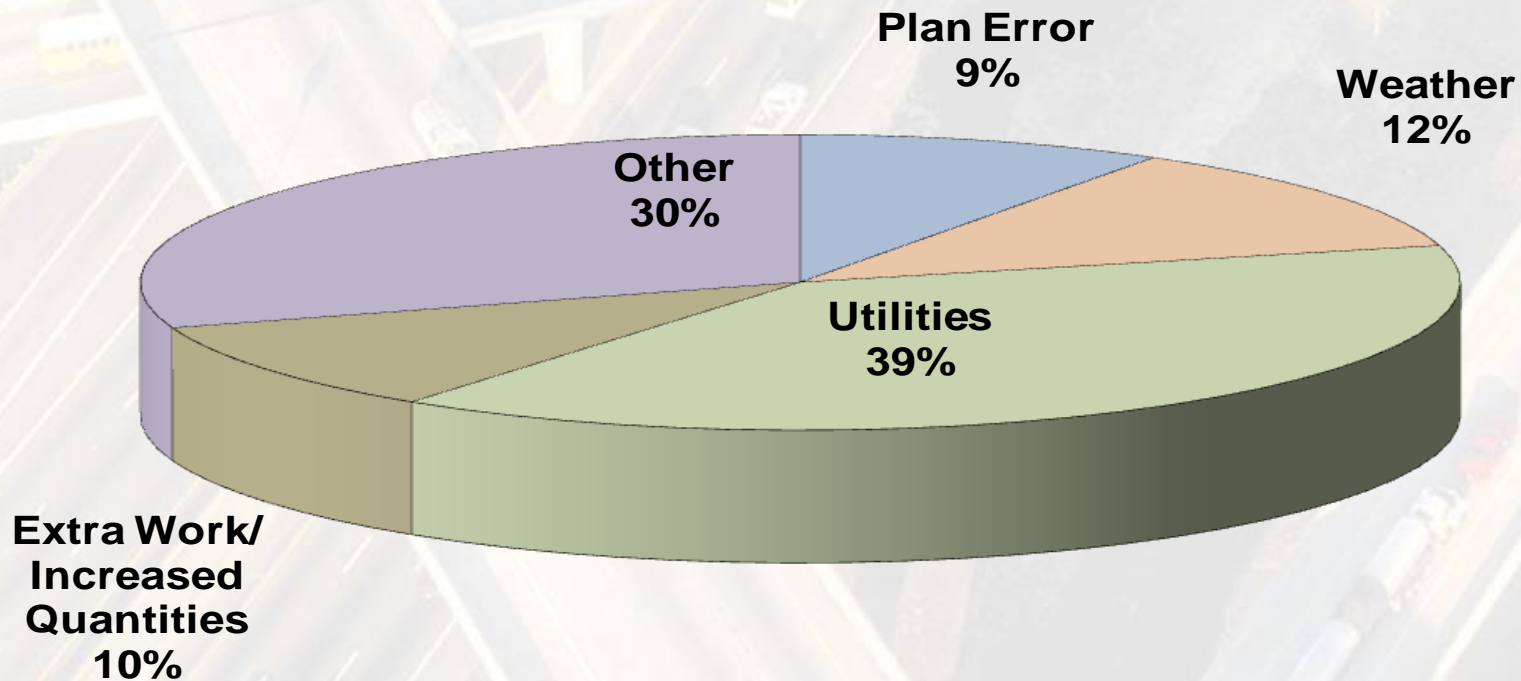
- Date Differs – Is the Utility reimbursable or non-reimbursable?
- How does date compare to Contractors NTP?
- Did the Department give early NTP?
- How does the Utility's proposed Construction Start compare to Contractor's

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Special Provisions

- Utility Conflicts
 - All Contracts Let April 09 and Thereafter
- Worksite Utility Coordination Supervisor (WUCS)

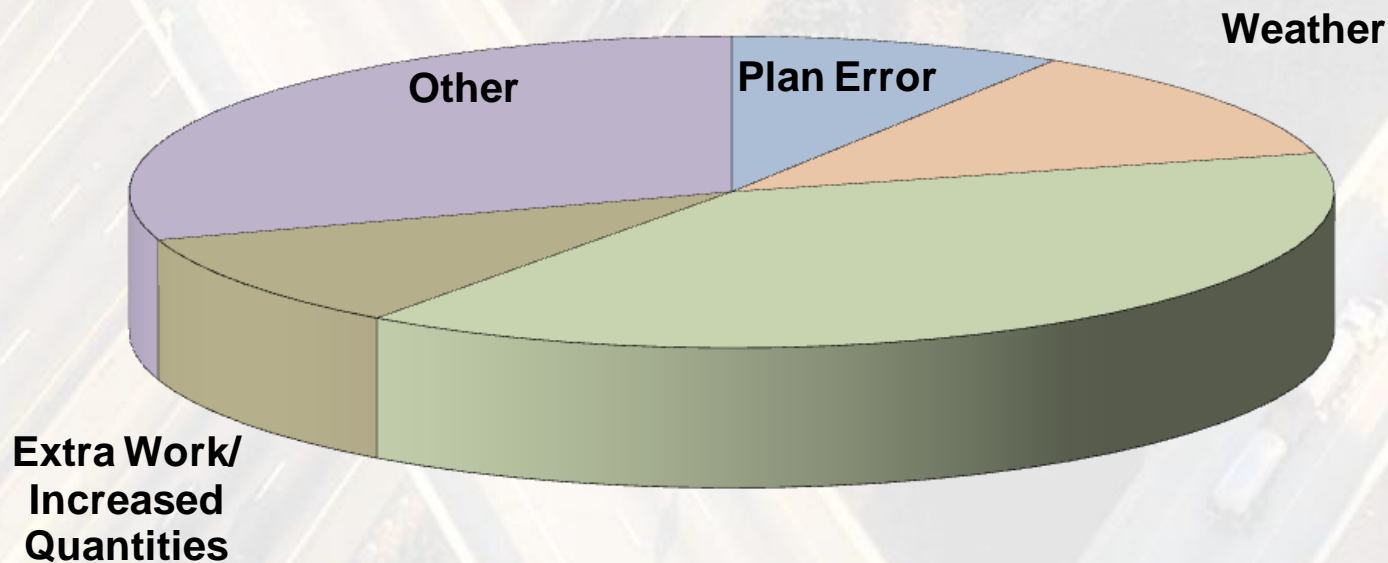
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Time Extensions

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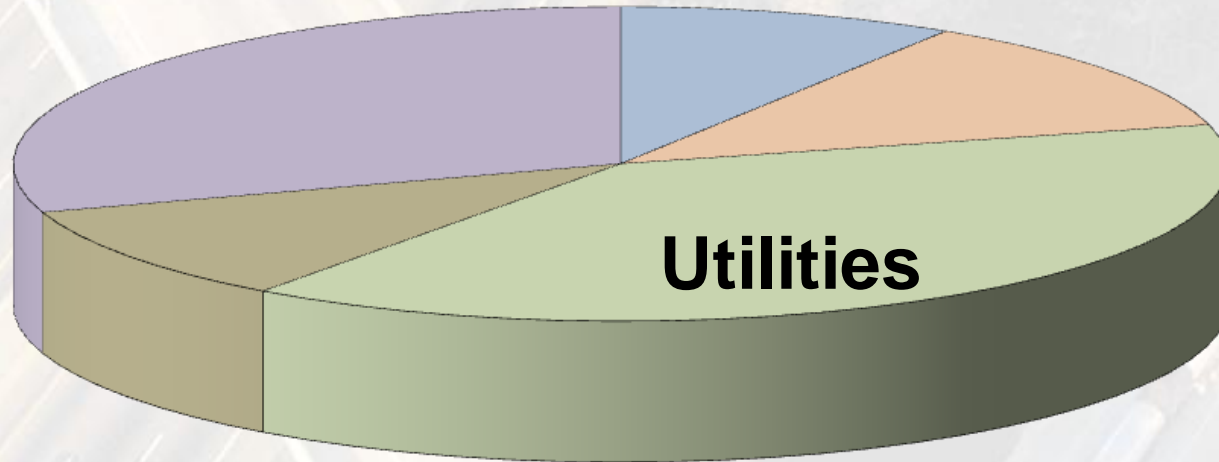
Claims for Delays



Specification – 105.13

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Claims for Delays



Specification – Utility Conflicts

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Utility Coordination Meetings by the Contractor

- ✓ Current Plans
- ✓ UWP/UAS for Each Utility
- ✓ **Monitor the UWP/UAS!**
- ✓ Revisions?
- ✓ Changes By Contractor?
- ✓ Changes by Utility?
- ✓ Revised UWP?

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Managing Potential Utility Delays

- What are Possible Issues on Projects?
 - ? Unapproved Revised Work Plan
 - ? Utility Delays on Construction
 - ? Any other matter related to the removal, relocation, or adjustment of the Utility's facility
 - ? What are GDOT's options, Contractor's, Utility's

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- 1. Dispute related to a revised Utility Work Plan, or...**
- 2. Dispute related to a contractor's claim against the utility owner for delays related to the utilities removal, relocation, or adjustment of its facilities, or...**
- 3. Any other matter related to the removal, relocation, or adjustment of the utility facilities**

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1. Dispute Related to a Revised Utility Work Plan
 - Previously unforeseen utility work found necessary after the Letting of a Project;
 - Utility: Provide revised Work Plan w/i 30 Calendar Days
 - **Caution: Not intended to correct errors or omissions with the originally approved Work Plan**
 - *(If such errors/omissions occur, Utility required to adhere to original approved work plan.)*

When deemed appropriate, the following shall be followed:

- DUE will review the Revised Plan with the DCE, PM, and Contractor

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1. (Continued)

- If the Revised Work Plan is found unreasonable the following escalation process will be initiated by the DUE:

Escalation Process Step 1:

- DUE notify Utility in writing – revised Plan is unreasonable.
- The Utility has 10 business days to respond.
- Utility may respond w/ request for coordination meeting.
- The Revised Work Plan dispute shall be resolved w/i 20 business days of the DUE's notice.
- If not, the Revised Utility Work Plan dispute escalates to Step 2...

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1. (Continued)

Escalation Process Step 2:

- DUE: Notify the SUE
- SUE: Schedule Project Utility Work Plan review meeting
- Meeting: Held within 20 business days
 - ✓ Attendees should include: Utility, Contractor, SUE, DUE, SCE, DCE, and PM

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1. (Continued)

Escalation Process Step 2:

- Only 4 possible recommendations from meeting:
 - ✓ Revised Utility Work Plan is satisfactory as submitted, or...
 - ✓ Revised Utility Work Plan and/or Department's staging plan need further revisions to accommodate construction. Such revisions are approved and accepted by the Department and the utility, or...
 - ✓ Recommendation for Revised Utility Work Plan dispute to proceed to Escalation Step 3 (Non-binding mediation or arbitration – see Chapter 4), or...
 - ✓ Recommendation for Revised Utility Work Plan dispute to proceed to Full Mediation (GDOT Rule 672-19)

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2. Dispute regarding a contractor's claim against a utility for delays related to the utility's removal, relocation, or adjustment of its facilities
 - Contractor responsible for documenting progress of each utility on the project in relation to Work Plan or Revised Work Plan
 - Once the Contractor determines the Utility's progress is 20% behind its approved Work Plan, Contractor will notify the Utility & Department in writing

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2. (Continued)

- Utility shall respond in 10 business days with a proposal to cure, or
- The Utility may request a coordination meeting to address the issues identified in the contractor's letter.
- Meeting will be w/GDOT Contractor, DUE, & DCE
- After 20 business days the Contractor's notice the dispute cannot be resolved, the dispute shall proceed to Escalation Process Step 2 – State Construction Engineer

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2. (Continued)

Escalation Process Step 2

- DCE notifies SCE that the dispute was not resolved
- SCE schedules a project utility delay mitigation meeting
- Meeting shall be held within 20 business days of the written notification

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2. (Continued)

Escalation Process Step 2

The following written conclusions/recommendations shall be the outcome:

- The Utility's proposal to cure the delay is satisfactory for the completion of the project on schedule.
- The Utility's proposal to cure the utility delay is not satisfactory for the completion of the project schedule, and the Utility may be liable for delays. The dispute shall be resolved through payment or full Mediation.

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2. (Continued)

- The Department or contractor notifies utility that the utility is liable for delays
- Notification sent only after the Utility has completed the work that is related to the delay
- The Utility has 45 days from receipt of notification to either cure delays to the Department or its contractor or request full Mediation

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2. (Continued)

Escalation Process Step 3

Proceed to Full Mediation

Outlined in Board Rule 672-19

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- ✓ Notice of Potential Dispute to Utility within 10 (Ten) days (from time of dispute/potential dispute is identified by initiating party)
- ✓ Utilized Escalation Process
- ✓ Escalation Process reaches Full Mediation



Petition for Mediation Sent to GDOT

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- ✓ GDOT Certifies or Rejects Petition (5 Working Days)
- ✓ If Certified, the Mediation Board Established Within 30 Days and the Mediation Hearing within 60 Days
- ✓ Mediation Board – 3 Mediators
 - 1 – GDOT
 - 1 – Utility
 - 1 – Selected by 2 Mediators Selected Above

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- ✓ If not Certified (Improperly Filed), GDOT may either dismiss the Petition or returned to Petitioner for Remedial Action
- ✓ Within 2 Working days after Certification, GDOT gives notice to all parties that a Petition for Mediation has been Filed
- ✓ Party has 5 Working Days to Appeal Petition
- ✓ Once Board is Established, Both Parties May Submit a Response to the Petition
- ✓ Mediation Hearings Begin

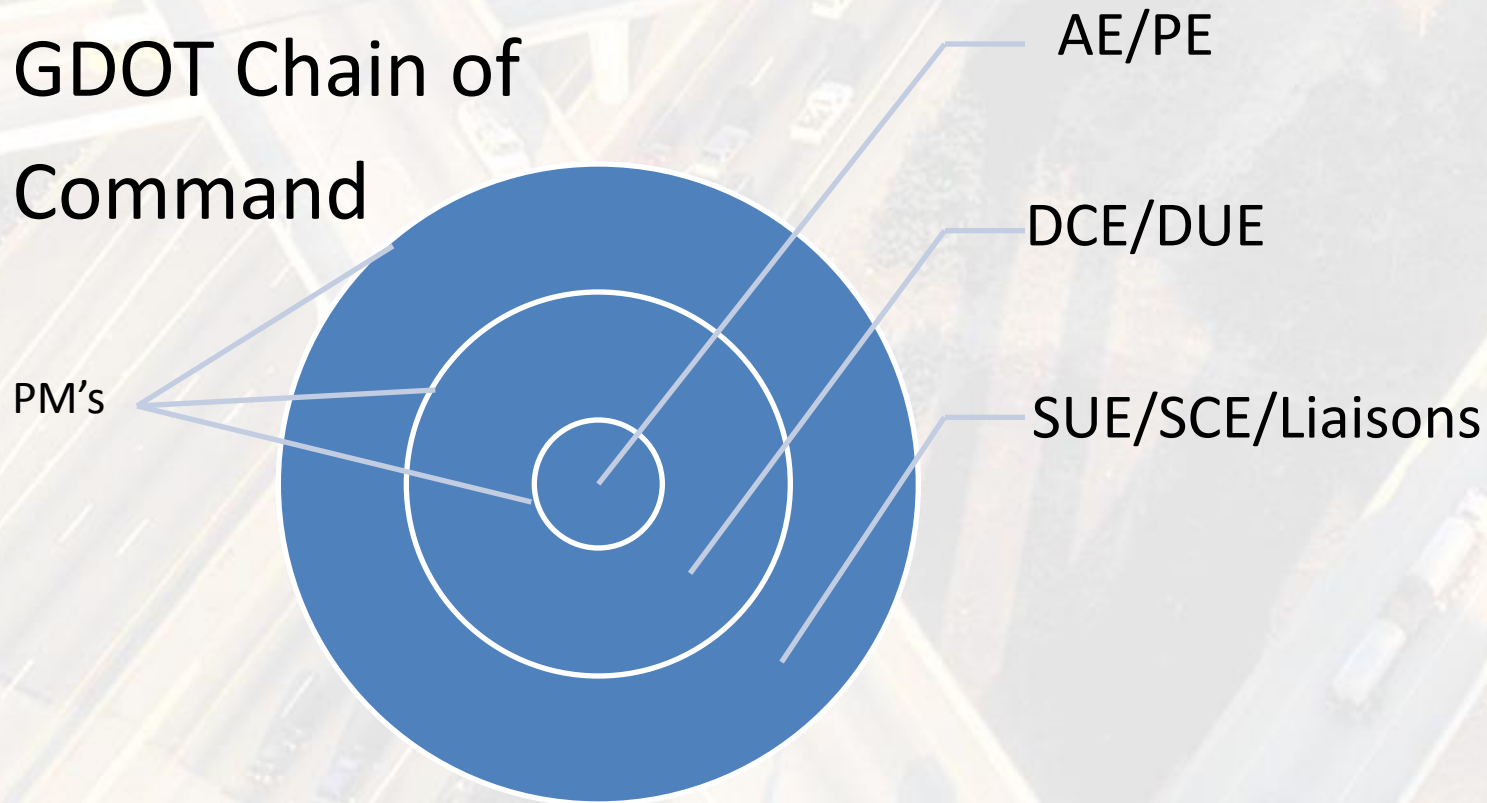
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Mediation MISC

- All Future Correspondence goes directly to the Mediation Board
- Location of Mediation Hearings is Mutually Agreed to by GDOT, Utility, and Board
- Intended to Last 60 days or until resolution, whichever comes first
- Longer if agreed to by all parties
- Board Final Decisions are Subject to judicial review in Fulton County Superior Court
- Petition for Judicial Review must be filed within 30 days of Board Decision

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GDOT Chain of Command



Resources

Office of Utilities Website

<http://www.dot.ga.gov/doingbusiness/utilities/Pages/default.aspx>

Utility Accommodation Policy and Standards Manual, 2009 Edition (The Manual)

<http://www.dot.state.ga.us/doingbusiness/utilities/Documents/2009-UAM.pdf>

Specifications (including Supplemental Specifications and Special Provisions) Construction Manual

Bridge Construction Manual

The Source

<http://www.dot.ga.gov/doingbusiness/theSource/Pages/home.aspx>

Official Code of Georgia Annotated (O.C.G.A.): 32-6-170 through 32-6-175

<http://www.lexis-nexis.com/hottopics/gacode/default.asp>

Resources

Board Rule Chapter 672-11 (Facilities on GDOT R/W)

[http://rules.sos.state.ga.us/cgi-bin/page.cgi?g=STATE DEPARTMENT OF TRANSPORTATION %2FMAINTENANCE RELOCATION E TC OF FACILITIES OF PUBLIC UTILITIES%2Findex.html&d=1](http://rules.sos.state.ga.us/cgi-bin/page.cgi?g=STATE%20DEPARTMENT%20OF%20TRANSPORTATION%20%2FMAINTENANCE%20RELOCATION%20E%20TC%20OF%20FACILITIES%20OF%20PUBLIC%20UTILITIES%2Findex.html&d=1)

Board Rule Chapter 672-19 (Mediation Process)

[http://rules.sos.state.ga.us/cgi-bin/page.cgi?g=STATE DEPARTMENT OF TRANSPORTATION %2FGOVERNING UTILITIES MEDIATION PROCESS%2Findex.html&d=1](http://rules.sos.state.ga.us/cgi-bin/page.cgi?g=STATE%20DEPARTMENT%20OF%20TRANSPORTATION%20%2FGOVERNING%20UTILITIES%20MEDIATION%20PROCESS%2Findex.html&d=1)

Board Rule Chapter 672-19 (Large Projects)

[http://rules.sos.state.ga.us/cgi-bin/page.cgi?g=GEORGIA PUBLIC SERVICE COMMISSION%2FSAFE INSTALLATION AND OPERATION OF NATURAL GAS TRANSMISSION AND DISTRIBUTION SYSTEMS%2FENFORCEMENT PROCEDURES UNDER THE GEORGIA UTILITY FACILITY PROTECTION ACT%2Findex.html&d=1](http://rules.sos.state.ga.us/cgi-bin/page.cgi?g=GEORGIA%20PUBLIC%20SERVICE%20COMMISSION%2FSAFE%20INSTALLATION%20AND%20OPERATION%20OF%20NATURAL%20GAS%20TRANSMISSION%20AND%20DISTRIBUTION%20SYSTEMS%2FENFORCEMENT%20PROCEDURES%20UNDER%20THE%20GEORGIA%20UTILITY%20FACILITY%20PROTECTION%20ACT%2Findex.html&d=1)

Resources

Utility Adjustment Schedules

Office of Construction Bidding Administration Web Site

<http://www.dot.ga.gov/doingbusiness/contractors/pages/default.aspx>

Manual for Erosion and Sediment Control in Georgia (Green Book – Best Management Practices)

http://www.gaswcc.org/docs/green_book_5ed.pdf

National Pollution Discharge Elimination System (General Permit No. GAR100002)

[http://www.georgiaepd.org/Files_PDF/techguide/wpb/FINAL StormWater NPDES Permit Infrastructure GAR100002 Y2008.pdf](http://www.georgiaepd.org/Files_PDF/techguide/wpb/FINAL_StormWater_NPDES_Permit_Infrastructure_GAR100002_Y2008.pdf)

Nationwide Permits – Army Corps of Engineers

http://www.usace.army.mil/CECW/Pages/nw_permits.aspx

Utilities Protection Center (Locate Information including Large Project Requirements)

<http://www.gaupc.com>